

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL HOLTSINGER,

Plaintiff, No. CIV S-03-0732 MCE CMK P

vs.

J.M BRIDDLE et al.,

Defendants.

ORDER

Plaintiff, who is a state prisoner proceeding without counsel and in forma pauperis, brings this civil rights action pursuant to 42 U.S.C. § 1983. This proceeding was referred to the undersigned by Local Rule 72-302 by the authority of 28 U.S.C. § 636(b)(1). On January 12, 2006, the court issued an order directing plaintiff to show cause, in writing, within twenty days why this action should not be dismissed as to defendant John Doe #5 for failure to serve in a timely manner.

On January 26, 2006, plaintiff responded to the court's order. Plaintiff stated that he had been making diligent attempts to serve defendant Doe #5. Immediately after discovery commenced, plaintiff served upon defendants interrogatories calculated to reveal the identity of John Doe, a psychiatrist, who was present at plaintiff's classification committee hearing on June 27, 2002. Defendants, by written response, identified John Doe #5 as Dr. Nolan. Plaintiff

1 informed defense counsel that he did not believe that defendant Doe #5 was Dr. Nolan, based on
2 personal interaction that plaintiff had with Dr. Nolan.¹ Plaintiff seeks administration segregation
3 log books, which he believes will reveal the true identity of defendant Doe #5. Plaintiff seeks
4 more discovery to identify defendant Doe #5.

5 The undersigned finds that defendants have identified John Doe #5 as Dr. Nolan
6 and, therefore, provided plaintiff with information to serve defendant Doe #5. Accordingly,
7 plaintiff's request for production of documents is denied.

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9 DATED: February 9, 2006.

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11 CRAIG M. KELLISON
12 UNITED STATES MAGISTRATE JUDGE

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¹In his response to the order to show cause, plaintiff states "Plaintiff...notified counsel that...the person that identified himself to Plaintiff on June 20, 2002 as Dr. Nolan, was not the person present at the hearing on June 20, 2002..."